

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BARBARA FRIERSON,

Plaintiff,

v.

No. 04-CV-1120
(FJS/DRH)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

BARBARA FRIERSON,
Plaintiff, Pro Se
3 Manning Square
Albany, NY 12206

HON. GLENN T. SUDDABY
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for the
Northern District of New York
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WILLIAM H. PEASE, ESQ.
Assistant U.S. Attorney

FREDERICK J. SCULLIN, JR., Senior D.J.:

DECISION AND ORDER

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge David R. Homer filed September 29, 2006, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no

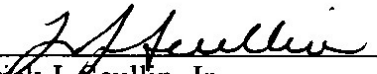
objections to said Report-Recommendation having been filed, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed September 29, 2006 is **ACCEPTED** in its entirety, for the reasons stated therein, and it is further

ORDERED, that defendant's motion is **GRANTED**, and that defendant's denial of plaintiff Frierson's application for benefits is **REVERSED** and this matter is **REMANDED** to the Commissioner pursuant to the sixth sentence of 42 U.S.C. §405(g).

IT IS SO ORDERED.

DATED: October 26, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge